

To: Groundwater Advisory Committee

From: M. Carol McCartney

Date: May 19, 2006

Re: Enforcement of groundwater management in other states

At our last meeting I took on the task of looking into the enforcement of groundwater management in other states. I decided to focus on neighboring states because their geography seems to make their approaches more relevant to us. I looked at Minnesota and Michigan. This summary is based on limited research on the web and a few telephone conversations. I apologize if my understanding is incomplete.

The short answer is:

- Both states enforce groundwater management through the well permitting process.
  - Minnesota's well permitting process includes "appropriation" in the application form
  - Michigan's process is being designed to maintain its riparian roots and to avoid appropriation of water rights
- Both states specifically protect surface water with the well permitting process.
  - Michigan's process includes the use of a "water withdrawal assessment tool" that is designed to protect stream base flow in order to preserve fish (not just trout)
  - Michigan's process requires pump tests to demonstrate impact on drawdown and on surface water

The longer answer is:

Minnesota is wrestling with the concept of "sustainability" and the MN DNR has a select committee working on the issues of defining it and regulating it. I think our DNR is in contact with MN DNR on this.

Michigan has its own "Perrier Bill" (Isn't that where Perrier went when they were run out of Wisconsin?). My impression is that bill is for conflict resolution between groundwater users but it also set up the Michigan Groundwater Conservation Advisory council. They have been meeting for 2 years and have made a recent report to the legislature (February 2006) which can be found at: <http://www.deq.state.mi.us/documents/deq-gwcac-legislature.pdf> . Their website is at: <http://www.michigan.gov/deq/0,1607,7-135-3313-86262--,00.html> .

Michigan has written several new rules and one interesting part of their approach is to regulate groundwater permitting to protect surface water for fish (all fish, not just trout). They will require all high capacity well permit applicants to use a "tool" to find out where they can put a well so that it will not adversely affect fish based on the expected stream base flow for any given site in the state. The tool is going to be a GIS/Web-based coarse filter; if you do not pass you go to the permit writers to demonstrate no adverse effect. As it was explained to me, "Fish now have a place at the table when it comes to water use conflicts." This will be implemented by planning for very high capacity wells – "Planning is the alternative to appropriation."

